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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,006	12/31/2001	Richard Rodriguez-Val	06975-179001/ Commerce 04	6136
26171 7590 01/30/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AL HASHEMI, SANA A	
			ART UNIT 2164	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/032,006	Applicant(s) RODRIGUEZ-VAL ET AL.	
	Examiner Sana Al-Hashemi	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-36 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-36 and 48-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in responds to applicant's amendment filed 11/20/06.
2. Claims 23-33, and 35-36, were amended. Claims 1-22, 34, and 37-47 are canceled. Claims 48-55 were added.
3. Claims 23-33, 35-36, and 48-55 are pending.
4. Applicant's arguments with respect to claims 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29, 55, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The format criteria, as claimed is not supported in the specification of the instant application. Applicant is required to provide proper support to the newly amended limitation in all pending claims.

Claims 49-54, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The “improper format” and “proper format”, as claimed is not supported in the specification of the instant application

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 29, 36, 48, 49, 50, 51, 54, 55, the phrase "if" renders the claim indefinite because it's a conditional language which means if the formatting characteristic of the data received satisfies the format, what would happen if it does not satisfies the format criteria. The other problem if the received data does not satisfies the format criteria would raise a 101 rejection since there will be no tangible, concrete and useful result. Correction is required.

Regarding claims 49, 50, 51, the phrase "proper" and “improper” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed .

Regarding claim 49, the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).and since the “can be” does not call for the step to be performed but it shows that

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the limitation is capable of performing the step. What would be consider a proper format and what is the improper format applicant is required to clarify the stated above phrases in all pending claims.

Art will not be applied to these limitation is this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truitt et al. (Truitt hereinafter) (US Patent No. 7,080,049 filed September 21, 2001) in view of Anderl et al. (Anderl hereinafter) (US Patent No. 4,816,654 issued March 28, 1989).

Regarding Claims 23, and 35, Truitt in view of Partovi discloses a method for enabling billing configuration, the method comprising:

receiving first data regarding a communications characteristic (Fig. 8, Truitt, wherein the name and address corresponds to the communication characteristic);

retrieving second data indicative a number of accounts associated with the communications characteristic (Fig. 16, Truitt)

Truitt discloses all the limitation as stated above. However, Truitt is silent with respect to the retrieving third data indicative of a frequency of usage threshold. The other hand Anderl at Col. 8, lines 34-44, and lines 53-65 discloses the data indicative of a frequency threshold as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to restrict the number of trails to access the system for a certain number of time. Skilled artisan would have been motivated to do so in order to reduce the possibility of fraud since the is a well known security feature to reduce the number of login attempts as suggested by Anderl at Col. 8, lines 26-33. And comparing the second data to and the third data (Fig. 16, Truitt); based on results of the comparison between the second data and the third data, enabling a billing configuration (Col.41, lines 24-27, Truitt).

Claims 24-28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truitt et al. (Truitt hereinafter) (US Patent No. 7,080,049 filed August 7, 2001) in view of Anderl et al. (Anderl hereinafter) (US Patent No. 4,816,654 issued March 28,1989) and further in view of Partovi et al (Partovi hereinafter) (US Patent No. 6,807,574 filed October 22, 1999).

Regarding Claim 24, Truitt in view of Anderl discloses all the limitations subject matter. However, the combination of Truitt in view of Anderl is silent with respect to the first data includes data relating to a telephone number. On the other hand Partovi discloses the first data includes data relating to a telephone number (Col. 9, lines 22-28, Partovi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the telephone number related to the first data received from users, skilled artisan would have been

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motivated to do so in order to clarify each user since not more than one entity can have the same telephone number, which eliminates or reduce the fraud on users accounts, transactions and other billing activities, and by providing such secured environment to the end users the number of users will be increased.

Regarding Claim 25, Biggar in view of Anderl and further in view of Partovi discloses a method wherein the first data includes data indicative of a user name (Fig.5, Truitt).

Regarding Claim 26, Truitt in view of Anderl and further in view of Partovi discloses a method wherein the second data indicates historical information regarding past attempts to enable the user configuration based on the first data (Col. 54, lines 35-39, Truitt).

Regarding Claim 27, Truitt in view of Anderl and further in view of Partovi discloses a method wherein the historical information is defined over a specified period of time (Fig. 16, step 34, Truitt).

Regarding Claim 28, Truitt in view of Partovi discloses a method to the first data includes Automatic Number Identification (ANI) (Col. 6, lines 35-40, Partovi) and (Col. 5, lines 23-26 Truitt).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-33, 36, and 55, are rejected under 35 U.S.C. 102(b) as being anticipated by Durinovic-Johri et al. (US Patent No. 5,699,514).

Regarding Claims 29, and 36, Durinovic-Johri discloses a method for enabling a user configuration, the method comprising:

receiving data regarding a communication characteristic (Col. 3, lines 64-67, Durinovic-Johri).

identifying a formatting characteristic of the data received (Col. 4, 20-25, Durinovic-Johri).

comparing the formatting characteristic against a format criteria (Col. 4, and 5, lines 64-67, and 1-5 respectively, Durinovic-Johri) and

Determining whether the formatting characteristic of the data received satisfies the format criteria; and

enabling a user configuration if the formatting characteristic of the data received satisfies the format criteria.

Regarding Claim 30, Durinovic-Johri discloses a method wherein the communications characteristic includes a telephone number (Col. 4, lines 17-19, Durinovic-Johri).

Regarding Claim 31, Durinovic-Johri discloses a method wherein the formatting characteristic and the format criteria each include length (Col. 8, lines 37-40, Durinovic-Johri).

Regarding Claim 32, Durinovic-Johri discloses a method wherein the length includes a number of characters (Col. 7, lines 26-31, Durinovic-Johri).

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Regarding Claim 33, Durinovic-Johri discloses a method wherein format criteria require only numeric data in the data (Col. 7, lines 51-57, Durinovic-Johri).

34. A system for establishing a user configuration comprising:

means for receiving first data indicative of information regarding a user characteristic (Fig. 2, 201, Durinovic-Johri);

means for detecting second data indicative of a communications characteristic for the user (Fig. 2, 203, Durinovic-Johri);

means for determining whether the first data and second data are related (Fig. 2, 208, and 209, Durinovic-Johri); and

means for establishing a user configuration based upon results of the determination of whether the first data and the second data are related (Fig. 2, 221, Col. 5, lines 1-6, Durinovic-Johri).

Regarding Claim 49, Durinovic-Johri discloses a method further comprising:

Identifying the formatting characteristic of the data received includes an improper format; Determining whether the data received can be reformatted to include a proper formatting characteristic; and

Reformatting the data received to include a proper formatting characteristic if the data received can be reformatted to include the proper formatting characteristic.

Regarding claim 50 Durinovic-Johri discloses a method further comprising:

determining whether the reformatted data received is appropriate for a billing configuration;

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determining whether a number of accounts associated with the reformatted data received is less than a threshold amount; and

enabling the user configuration if the reformatted data received is appropriate for the billing configuration and if the number of accounts associated with the reformatted data received is less than the threshold amount.

Regarding Claims 51, Durinovic-Johri discloses a method further comprising:

determining whether the data received is appropriate for a billing configuration;

determining whether a number of accounts associated with the data received is less than a threshold amount; and

enabling the user configuration if the data received is appropriate for the billing configuration and if the number of accounts associated with the data received is less than the threshold

Regarding Claim 52, Durinovic-Johri discloses a method further comprising denying the user configuration if the data received is not proper for enabling the billing configuration.

Regarding claim 53, Durinovic-Johri discloses a method wherein denying the user configuration includes denying the user configuration if the data received is associated with a prison.

Regarding Claim 54, Durinovic-Johri discloses a method wherein denying the user configuration includes denying the user configuration if the data received is associated with a toll free number.

Regarding Claim 55, Durinovic-Johri discloses a method comprising
receiving data regarding a communication characteristic;
Identifying a formatting characteristic of the data received;
comparing the formatting characteristic against format criteria;
using a comparison of format between the formatting characteristic and the format
criteria as a condition precedent to allowing a user configuration to be enabled; and
allowing the user configuration to be enabled if the formatting characteristic satisfies the
format criteria.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of
time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

Other Prior Art Made of Record

- 1- Durinovic-Johri et al. (US Patent No.5.699.514) disclose access control system with lockout.
- 2- Buross et al. (US Patent No.6.775.782) discloses a method and system for suspending and resuming digital certificates in a certificate-based user authentication application system.
- 3- Rosenberg et al. (US Patent No. 6,363,357) discloses method and apparatus for providing authorization to make multiple copies of copyright protected products purchased in an online commercial transaction.
- 4- Wu (US Patent No. 6,539,479) discloses a system and method for security logging onto a remotely located computer.
5. Biggar et al (US Patent No. 6,820,802) discloses an online card activation system and method.
6. Partovi et al. (US Patent No. 6,807,574) discloses a method and apparatus for content personalization over telephone interface.
7. Partovi et al. (US Patent No. 6,842,767) discloses a method and apparatus for content personalization over a telephone interface with adaptive personalization.
8. Agraharam et al. (US Patent No. 5,987,508) disclose a method of providing seamless cross-service connectivity in telecommunication network.
9. Anderl et al. (US Patent 4,816,654) discloses an improved security system for a portable data carrier.
10. Truitt et al (US Patent No. 7.080.049) discloses a method and system for processing a transaction.

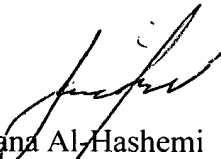
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones, can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Primary Patent Examiner
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January 22, 2007